

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PLAINTIFF,

Plaintiff,

v.

DEFENDANT,

Defendant.

Case No. _____(VC)

**ORDER FOR PRETRIAL
PREPARATION**

Good cause appearing, IT IS HEREBY ORDERED that:

TRIAL DATE

1. The trial will take place on _____ (date) at _____ (time) in Courtroom 4 on the 17th floor, and will be before the JUDGE/JURY (circle one).

TRIAL LENGTH

2. The trial is estimated to be _____ days.

FINAL PRETRIAL CONFERENCE

3. A Final Pretrial Conference shall be held on _____ (date) at _____ (time) in Courtroom 4 on the 17th floor.

4. Counsel shall confer in advance and be prepared to discuss at the conference any anticipated evidentiary objections and any means for shortening or simplifying the trial (e.g. stipulating to undisputed matters such as chain of custody, nature of substances etc.).

CHANGE OF PLEA

5. If a plea is being entered pursuant to a plea agreement, counsel for the government shall email a copy of the plea agreement to vcpo@cand.uscourts.gov by 10:00 a.m. the day before the plea is to be entered.

MOTIONS

6. Any motion besides motions in limine (e.g. motions to suppress, to change counsel etc.) will be heard on _____ (date) at _____ (time) in Courtroom 4 on the 17th floor. Absent extenuating circumstances, no motions (besides motions in limine) will be

heard after this date.

7. All motions shall comply with Criminal Local Rule 47-2.

PRETRIAL FILINGS

8. No later than ten calendar days before the Final Pretrial Conference, the parties shall file the documents listed in subsections A-F below (i.e. the joint pretrial statement, list of witnesses, proposed jury instructions, proposed voir dire, proposed verdict forms, and motions in limine).

9. Two three-hole punched courtesy copies of these documents shall be delivered to the Clerk's office by noon the day after filing. For motions in limine, the moving party is responsible for delivering courtesy copies of all motion papers (both those in support and those in opposition).

10. In addition, no later than ten days before the final pretrial conference, the Government shall submit the jury instructions, voir dire, and verdict form(s) in Word format via e-mail to vcpo@cand.uscourts.gov.

A. PRETRIAL STATEMENT

11. The parties shall file a joint pretrial statement that addresses all items listed in Criminal Local Rule 17.1-1(b).

B. JURY INSTRUCTIONS

12. The parties shall file a joint set of proposed jury instructions, using, where possible, the Ninth Circuit Model Jury Instructions. Any modifications to a form instruction must be plainly identified.

13. The parties should include proposed text for all instructions, even for any form preliminary instructions, general instructions, or concluding instructions on which they agree.

14. Instructions upon which the parties agree shall be identified as "Stipulated

Instruction No. ____ Re _____,” with the blanks filled in as appropriate.

15. If the parties disagree on an instruction, each party's proposed version of the disputed instruction shall be provided and identified as “Disputed Instruction No. ____ Re _____ Offered by _____,” with the blanks filled in as appropriate. All proposed versions of the same instruction shall bear the same number. Following each set of proposed versions of a disputed instruction, each party shall explain, in no more than one page, why the Court should give that party's proposed instruction.

16. If the parties dispute whether a particular instruction should be given at all, the proponent of the instruction shall provide proposed language, identified as “Disputed Instruction No. ____ Re _____ Offered by _____,” with the blanks filled in as appropriate. Following the disputed instruction, each party shall explain, in no more than one page, why the instruction should or should not be given.

C. VOIR DIRE QUESTIONS

17. The parties should file a joint set of proposed voir dire questions. If the parties disagree on any proposed questions, such disagreement should be noted, and each party should provide its proposed version of the question (or state that in its view, the question should not be asked at all). Note that during voir dire the Court will ask the jurors to respond to a set of questions similar to those contained in the attached questionnaire, so those questions need not be included in the parties' set of proposed questions.

D. VERDICT FORMS

18. The parties shall file either a joint proposed verdict form, or, if they disagree, file and serve separate proposed verdict forms.

E. MOTIONS IN LIMINE

Motions in limine shall be filed and served no later than ten calendar days prior to the date set for the Final Pretrial Conference. Any party opposing such a motion in limine shall file and serve its opposition papers no later than seven calendar days prior to the Pretrial Conference (with personal service directly on chambers). No reply papers will be considered, and the motions will be heard at the Pretrial Conference or at such other time as the Court may direct.

EXHIBITS

A. ORIGINAL TRIAL EXHIBITS

19. The parties must jointly prepare a single set of all trial exhibits that will be the official record set to be used with the witnesses at trial and, if applicable, on appeal.

20. No later than 5 days before trial, the parties shall deposit this set of trial exhibits with the Clerk's office. The exhibits shall be provided in three-ring binders, with each exhibit tagged, three-hole-punched, and separated with a label divider identifying the exhibit number. A spine label on each binder should be marked "Original" and indicate the numbers of the exhibits contained therein.

21. Exhibits shall be sequentially numbered (not lettered). If possible, parties shall use the same number to mark an exhibit for trial as that used in depositions. Blocks of numbers should be assigned to fit the need of the case (e.g., The Government has 1 to 100, Defendant A has 101 to 200, Defendant B has 201 to 300, etc.). On the first day of trial, the parties shall inform the Courtroom Deputy which exhibits are offered by which party.

22. A single exhibit should be marked only once. If the Government has marked an exhibit, the defendant should not re-mark the same document with another number. Different versions of the same document (e.g. versions of a document with and without additional handwriting), however, must be treated as different exhibits and marked with different numbers.

23. To avoid any party claiming “ownership” of an exhibit, all exhibits shall be marked and referred to as “Trial Exhibit No. _____,” not as “Government's Exhibit” or “Defendant’s Exhibit.”

24. Each exhibit shall be tagged as follows:

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA
TRIAL EXHIBIT 100
Case No. _____
Date Entered _____
By _____ Deputy Clerk

25. The Court prefers but does not require that the exhibit tags be in a color that will stand out (yet still allow for photocopying).

26. Counsel should fill in the exhibit and case numbers, but leave the other spaces ("Date Entered" and "By") blank.

27. Exhibit tags shall be placed on or near the lower right-hand corner of each exhibit, unless the exhibit is a photograph, in which case the tag shall be placed on the back.

B. COPY SETS OF EXHIBITS

28. In addition to the official record exhibits, two sets of binders containing copies of the exhibits must be provided to the Clerk's office five days before trial. One should be marked as “Chambers Copies” and the other as “Clerk’s Copies.” Each exhibit must be separated with a

label divider identifying the exhibit number. Exhibit tags are unnecessary (but permitted) for the copy sets. Each binder should bear a spine label indicating the numbers of the exhibits contained therein.

C. TREATMENT OF EXHIBITS DURING TRIAL.

29. Counsel must consult with each other and with the Courtroom Deputy at the end of each trial day about which exhibits are in evidence and any limitations thereon. If there are any disagreements, counsel should bring them promptly to the Court's attention.

30. The parties must provide agreed-upon written transcripts of the content of any audio or video exhibit to be used at trial. Failure to provide an agreed-upon transcript by the day an exhibit is offered will preclude the exhibit's admission.

31. At the close of evidence, before closing arguments, counsel must confer with the Courtroom Deputy to make sure the exhibits in evidence are in good order.

32. Exhibit notebooks for the jury will not be permitted without prior permission from the Court.

33. Publication must be by poster blow-up, overhead projection, or such other method as is allowed in the circumstances. It is permissible to highlight, circle, or underscore in the enlargements as long as it is clear that it was not on the original.

34. Upon the conclusion of the trial, each party shall retain a full set of exhibits through the appellate process. It is each party's responsibility to make arrangements with the Clerk of the Court to file the record on appeal.

PRETRIAL ARRANGEMENTS

35. Should a daily transcript and/or real-time reporting be desired, the parties shall make arrangements with Debra Campbell, Supervisor of the Court Reporting Services, at (415) 522-2079, at least 14 days before the trial date.

36. Prior to the start of trial, the parties must provide the Court Reporter a jointly-created list of names and places as well as any uncommon terms or acronyms that are likely to come up during the trial.

37. If any witness will require an interpreter at trial, and there is no certified court interpreter available to translate in the appropriate language, counsel shall notify Courtroom Deputy Kristen Melen at least 30 days before the commencement of trial at (415) 522-4173.

38. The parties should contact the Courtroom Deputy, Kristen Melen, at (415) 522-4173, no later than one week before trial to discuss any questions or issues about the layout of the courtroom.

39. The Court provides no equipment other than an easel. During trial, however, counsel may wish to use overhead projectors, laser-disk/computer graphics, poster blow-ups, or models, or specimens of devices. Such equipment must be provided by the parties. Equipment should be shared by all counsel to the maximum extent possible. The United States Marshal requires a court order to allow equipment into the courthouse. To request such an order, the parties should contact the Courtroom Deputy no later than one week before trial. For electronic equipment, parties should be prepared to maintain the equipment or have a technician handy at all times. The parties shall tape extension cords to the carpet for safety.

IT IS SO ORDERED.

Dated: June 2, 2014



Vince Chhabria
United States District Judge